

102D CONGRESS
2d Session

SENATE

REPORT
102-381

CERTIFICATE OF DOCUMENTATION FOR THE
VESSEL "DELPHINUS II"

Mr. HOLLINGS, from the Committee on Commerce, Science,
and Transportation, submitted the following

R E P O R T

OF THE

SENATE COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

ON

S. 2496



AUGUST 12 (legislative day, AUGUST 5), 1992.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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REPORT

[To accompany S. 2496]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2496) to authorize a certificate of documentation for the vessel *Delphinus II*, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 2496, as reported, grants coastwise trading and fisheries privileges to the vessel *Delphinus II*.

BACKGROUND AND NEEDS

Subject to certain limitations, the law known as the Jones Act (section 27 of the Merchant Marine Act, 1920), together with sections 12106, 12107, and 12108 of title 46, U.S. Code, provides that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fisheries privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel *Delphinus II*, U.S. Official No. 958902, is a recreational vessel that was built in Cape Canaveral, FL, in 1990. It was pur-

chased by Marine Charters, Inc. of Kihei, HI directly from the manufacturer on May 3, 1990. The company intends to operate the vessel on a passenger charter basis.

The owners of the *Delphinus II* were unable initially to obtain coastwise trade and fisheries privileges because of a problem involving partial foreign ownership of their company, Marine Charters, Inc. The foreign national owner has since sold his interest in Marine Charters, Inc., and the company is now 100 percent U.S.-owned. However, since the *Delphinus II* was determined by the Coast Guard to have been previously under partial foreign ownership, Marine Charters, Inc. must seek a statutory waiver of the Jones Act for the vessel.

LEGISLATIVE HISTORY

S. 2496 was introduced in the Senate on March 31, 1992, by Senator Inouye. In open executive session on June 16, 1992, the Committee considered S. 2496 and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 1992.

HON. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN The Congressional Budget Office has reviewed S. 2496, a bill to authorize a certificate of documentation for the vessel *Delphinus II*, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 16, 1992. Enactment of S. 2496 would not result in any cost to the federal government or to state or local governments.

Enactment of S. 2496 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATION IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 2496 does not create any new programs, the legislation will have no additional regulatory impact and will result in no

additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, U.S. Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of the enactment of this legislation, the vessel *Delphinus II*, U.S. Official No. 958902, is eligible to engage in the coastwise trade and commercial fisheries, and the Secretary of Transportation may issue a certificate of documentation for the vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

